

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

WP(C).No. 31254 of 2007(U)

OS.64/1998 of PRL.SUB COURT,TRIVANDRUM
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PETITIONER:

**M.R.KRISHNAMOORTHY, AGED 50 YEARS,
S/O MADASWAMY, PARVATHI VILASAM,
TC 8/919, THIRUMALA P.O., THIRUVANANTHAPURAM.**

BY ADV. SRI.K.T.SHYAMKUMAR

RESPONDENT:

**CHARLES WILLIAM, S/O WILLIAM,
KAMALA BHAVAN, TC 18/1913, THRIKKANAPURAM,
THIRUVANANTHAPURAM.**

BY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

M.N. KRISHNAN, J.

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W.P.C. NO. 31254 OF 2007

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Dated this the 22nd day of October, 2007.

J U D G M E N T

This writ petition is filed seeking to declare the sale of the plaint schedule property as illegal and direct redelivery of the property to the petitioner. At the out set I may say that a party cannot be allowed to sleep over the matter and approach this Court under Article 227 of the Constitution of India for the correctional jurisdiction. When the property is sold in auction CPC provides two remedies, under Order 21 Rule 89 and Order 21 Rule 90. The period of limitation is also prescribed there and the provisions of the Limitation Act is not applicable to execution proceedings as well. So, when a party by his own conduct allows the matter to become final he cannot come under Section 227 of the Constitution of India canvassing for the position that the sale is invalid. The jurisdiction expected to be exercised under Article 227 is a correctional jurisdiction and not a jurisdiction to undo what has been done rightly by the Court below. Therefore, there

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is absolutely no merit in the writ petition and the same is dismissed. If the parties want to settle the matter, it is for them to do it, for which this Court does not express any opinion.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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